IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 28856 of 2007(I)

AGAINST THE ORDER IN OR. 3/2006 IN CMP.174/2007
of J.M.F.C.,ADIMALI

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PETITIONER:

ABBAS, S/O. ALIYAR,
PAZHAMPILLIL HOUSE, KUDAMUNDA KARA,
POTHANIKADU VILLAGE, KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.P.MOHAMMED NIAS
SMT.P.K.SHAKKEELA

RESPONDENTS:

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1. THE DEPUTY RANGER,
PANAMKUTTY FOREST STATION, PANAMKUTTY.

2. THE DIVISIONAL FOREST OFFICER,
MUNNAR FOREST DIVISION, DEVICOLAM.

BY SPL.GOVERNMENT PLEADER FOR FORESTS- RENJITH THAMPAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 28856/2007

Dated this the 10th day of October, 2007

JUDGMENT

A mini lorry belonging to the petitioner got involved in a Forest offence and has been seized by the department. Petitioner made an application for interim custody of the vehicle before the Judicial Magistrate of First Class, Adimaly, which passed Ext.P1 order directing the petitioner to approach the authorized officer for interim custody. Accordingly, petitioner moved the authorized officer who passed Ext.P3 order rejecting his application stating that the Court has not issued any direction to release the vehicle to him. It is at that stage this writ petition has been filed.

2. Learned Government Pleader submits that the vehicle in question was involved in a Forest offence and was seized on 13.3.2006 in O.R.3/2006. It is also submitted that the matter is now pending before the Judicial Magistrate of First Class, Adimaly, and the confiscation proceedings are under progress.

3. Be that as it may, the question now is only whether it is necessary to continue the detention of the

vehicle pending adjudication of the department. The learned counsel for the petitioner offers that bank guarantee can be furnished to secure the interest of the department and it appears to be reasonable.

4. Accordingly, I dispose of this writ petition that pending finalization of the confiscation proceedings, the respondents shall assess the value of the vehicle and if the petitioner furnishes a bank guarantee for the value so assessed, vehicle shall be released to the petitioner. The value of the vehicle shall be assessed within a period of two weeks from the date of receipt of a copy of this judgment.

ANTONY DOMINIC
Judge

mrcs